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July 10, 2003

## **VIA ELECTRONIC SUBMISSION**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **NOTICE OF EX PARTE MEETINGS**  
WT Docket No. 03-66  
RM-10586  
Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to  
Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and  
Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands

Dear Ms. Dortch:

On July 9, 2003, Keith A. Cook, Vice President of Spectrum Services of TNT Technologies, LLC dba Clearwave ("Clearwave") and I had three *ex parte* meetings regarding the above-referenced docket with the following members of the Commission's staff: (1) John B. Muleta, Chief, Wireless Telecommunications Bureau ("WTB"), Catherine W. Seidel, Deputy Chief, WTB and D'Wana Terry, Chief, Public Safety and Private Wireless Division of the WTB; (2) Bryan Tramont, Legal Advisor to Chairman Michael K. Powell, and Trey Hanbury of the Office of General Counsel; and (3) Paul Margie, Legal Advisor to Commissioner Michael Copps.

Clearwave is a lessee of Multichannel Multipoint Distribution Service ("MMDS") spectrum in the 2500-2690 MHz band. It is Clearwave's intent to utilize the spectrum to bring broadband services to rural areas and less densely populated urban areas. However, the freeze on the filing and processing of applications for new or modified MMDS facilities has made it impossible for Clearwave to implement its business plan.

At the *ex parte* meetings, we discussed Clearwave's support for the "Petition for Reconsideration" filed by the Wireless Communications Association International, Inc. ("WCA") on April 7, 2003, requesting that the freeze be limited to applications for new or modified Instructional Television Fixed Service ("ITFS") stations located outside existing protected service areas ("PSAs"). In other words, Clearwave is asking the Commission to limit

the freeze to those applicants seeking to serve ITFS “white space.” We explained that as a result of current use of the spectrum, rule revisions are necessary in order to provide broadband service utilizing the 2500-2690 MHz band to many urban areas. However, because of lighter spectrum use in rural areas and less densely populated urban areas, it is possible to provide broadband service to a number of rural areas now, even without the rule changes that are needed by the industry as a whole. Because Clearwave and other similarly situated companies are in a position to bring broadband service to a number of rural areas that currently have no broadband service of any type or have at most one provider of broadband service, it is in the public interest for the Commission to lift the freeze so that those who live and work in rural areas may receive broadband service without delay.

Very truly yours,

/s/

Eliot J. Greenwald

cc:   Trey Hanbury  
      Paul Margie  
      John B. Muleta  
      Catherine W. Seidel  
      D’Wana Terry  
      Bryan Tramont  
      Keith A. Cook